

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
TRENTON VICINAGE**

RUSSELL M. HOLSTEIN, PH.D., LLC a
New Jersey limited liability company,
individually and as the representative of a
class of similarly-situated persons,

Plaintiff,

V.

BANNER LIFE INSURANCE COMPANY,
WILLIAM PENN LIFE INSURANCE
COMPANY OF NEW YORK, FPA
KATCHEN, LLC, TRESTLE &
ASSOCIATES LIMITED LIABILITY
COMPANY and JOHN DOES 1-10,

Defendants.

Civil Action No.: 3:16-cv-00462-MAS-TJB

CLASS ACTION

NOTICE OF MOTION

PLEASE TAKE NOTICE that BANNER LIFE INSURANCE COMPANY, WILLIAM PENN LIFE INSURANCE COMPANY OF NEW YORK, and FPA KATCHEN, LLC (“Certain Defendants”) will move before the Honorable Michael A. Shipp, U.S.D.J. on May 16, 2016 for an Order dismissing Plaintiff RUSSELL M. HOLSTEIN, Ph.D., LLC’s (“Plaintiff”) Class Action Complaint in its entirety pursuant to Federal Rules of Civil Procedure 12(b)(1) and (6). In the event the Motion to Dismiss is not granted in its entirety, with prejudice, Certain Defendants also move for an order striking Plaintiff’s Class Allegations pursuant to Federal Rule of Civil Procedure 12(f).

In support of this motion, Defendants will rely on the attached Memorandum of Law.

Dated: New York, New York
April 1, 2016

Respectfully submitted,

SUTHERLAND ASBILL & BRENNAN LLP

By: /s/ Francis X. Nolan, IV
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**Attorneys for Defendants
BANNER LIFE INSURANCE COMPANY,
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COMPANY OF NEW YORK, and
FPA KATCHEN, LLC**

CERTIFICATE OF SERVICE

I hereby certify that the foregoing documents has been electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all attorneys of record, on this 1st day of April, 2016.

/s/ Francis X. Nolan, IV